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Attorneys for Defendant  
ROSS ISLAND SAND & GRAVEL CO.

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

LAWRENCE BRICE, an individual; JAMAL  
DEONLATREL BRICE, an individual,

Plaintiffs,

v.

ROSS ISLAND SAND & GRAVEL CO., an  
Oregon corporation,

Defendant.

Case No. 2:23-cv-02613-DC-JDP

**STIPULATION AND ORDER FOR  
PHYSICAL EXAMINATION OF  
PLAINTIFF JAMAL DEONLATREL  
BRICE**

Complaint Filed: November 9, 2023  
Trial Date: TBD

The parties to this action hereby stipulate and agree as follows:

1. Pursuant to Rule 35 of the Federal Rules of Civil Procedure, the Court may order a party whose mental or physical condition is in controversy to submit to a physical or medical examination by a suitably licensed or certified examiner. *See* Fed. R. Civ. P. 35.

2. In this case, a controversy exists regarding the physical condition of Plaintiff JAMAL DEONLATREL BRICE ("Plaintiff"), and good cause exists for a physical examination of Plaintiff.

3. A physical examination of Plaintiff will be conducted by Ian Stine, M.D., a licensed physician with a specialty in orthopedics and orthopedic surgery. The examination will take place on April 3, 2025, beginning at 11:30 a.m., at 2180 West Grant Line Road, Tracy CA 95376.

4. The examination will be conducted for the purpose of determining the nature and extent of Plaintiff's physical injuries and the relationship thereof to the claims which are the subject of this litigation, and will consist of all necessary and customary activities required to make such a determination, including but not limited to history of the ailments relating to the claims in this lawsuit, and physical examination and evaluation. No questions will be asked by Dr. Stine beyond those necessary to ascertain Plaintiff's medical condition, as it relates to his claims in this lawsuit.

5. It is also agreed by and between counsel that

a. Counsel for the examinee may attend the examination;

b. No invasive or painful procedures will be performed on Plaintiff and no blood will be drawn;

c. Defendant will compensate Plaintiff for mileage to and from the IME.

d. Counsel for Defendant will provide a copy of Dr. Stine's report to Plaintiff.

The report must be a detailed written report of the examiner setting out the examiner's findings, including results of all tests made, diagnoses, and conclusions. Fed. R. Civ. Proc. 35(b)

Respectfully submitted,

DATED: March 26, 2025

KENNEDYS CMK LLP

By: /s/ *Jonathan W. Thames*

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JONATHAN W. THAMES

# GRACE HARRIETT

Attorneys for Defendant

ROSS ISLAND SAND & GRAVEL CO.

DATED: February 27, 2025

BISH LAW, APC

By: /s/ *Mindy S. Bish* (as authorized on 2/27/25)

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MINDY S. BISH


Attorneys for PLAINTIFFS

LAWRENCE BRICE AND JAMAL BRICE

**ORDER**

IT IS SO ORDERED.

Dated: March 28, 2025

  
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JEREMY D. PETERSON  
UNITED STATES MAGISTRATE JUDGE